

# U.S. Department of Labor

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**Issue Date: 21 May 2008**

Case Nos.: **2008-TLC-00029**  
**2008-TLC-00030**

In the Matter of:

**CAHOON FARMS, INC.,**  
Employer

Before: **PAMELA LAKES WOOD**  
Administrative Law Judge

## **ORDER OF DISMISSAL**

These cases arise under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a) and its implementing regulations found at 20 C.F.R. Part 655, Subpart B. By way of a May 5, 2008 letter, Cahoon Farms, Inc. ["Employer"] filed a timely request for an expedited review of the Department of Labor's April 29, 2008, refusal to consider two temporary alien labor certification applications.<sup>1</sup> The cases were docketed by this office on May 5, 2008. The Administrative Records in the two cases were received on May 14 and 15, 2008, respectively, and the cases were assigned to the undersigned administrative law judge on May 15, 2008.

On May 20, 2008, the undersigned conducted a telephonic conference call in which both Employer (through Mike Virts) and counsel for the Department (Stephen Jones) participated. During the call, the representative for DOL stated that the Certifying Officer ("CO") determined that the Employer's applications for temporary labor certification would be accepted for processing and further consideration. Pursuant to the conference call, on May 20, 2008, counsel for the Department filed (by facsimile) correspondence setting forth the CO's statement of position. Specifically, the CO determined that the applications complied with pertinent requirements. As a result, the CO will accept the applications for processing.<sup>2</sup> Having been provided a copy of the correspondence setting forth the CO's statement, Employer has concurred in the result.

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<sup>1</sup> Employer filed two applications for certification of a number of "Orchard Specialists." The applications, which listed differing start dates, were substantially the same.

<sup>2</sup> As a result of the procedural posture of these cases, which arise from the CO's refusal to accept them for processing, there has been no final determination as to the merits of the applications; however, the CO has resolved the issues upon which the CO's refusal to process the applications was premised. The effect of this dismissal will therefore be to return the applications for processing with the stated job titles and experience requirements.

As the parties agree that these cases present no further issues for resolution, the proceedings are now moot. Accordingly,

**ORDER**

**IT IS HEREBY ORDERED** that the above-captioned matters be, and hereby are, **DISMISSED**.

**A**

PAMELA LAKES WOOD  
Administrative Law Judge

Washington, D.C.